

RECEIVED
CENTRAL FAX CENTERFay Sharpe Fagan Minnich & McKee, LLP
1100 Superior Avenue, Seventh Floor
Cleveland, Ohio 44114-2579
Telephone: 216.861.5582
Fax: 216.241.1666
www.FaySharpe.comDEC 02 2005
Fay Sharpe

WE PROTECT YOUR IDEAS.

| | | |
|----------------|--------------------------------------|----------------|
| Date | December 2, 2005 | Total Pages: 4 |
| To: | The U.S. Patent and Trademark Office | |
| Attn.: | Examiner Jack W. Lavinder | |
| Facsimile No.: | (571) 273-8300 | |
| From: | Michael E. Hudzinski | |
| Re: | Our Ref.: MEDZ 2 01118 | |

COMMENTS

Letter Noting Discrepancy in Notice of Allowability

The documents accompanying this facsimile transmission include information from the firm of Fay Sharpe Fagan Minnich & McKee, LLP that might be legally privileged and/or confidential. The information is intended for the use of only the individual or entity named on this cover sheet. If you are not the intended recipient, any disclosure, copying, or distribution of these documents, or the taking of any action based on the contents of this transmission, is prohibited. If you have received this transmission in error, these documents should be returned to this firm as soon as possible, and we ask that you notify us immediately by telephone so we can arrange for their return to us without cost to you.

N:\MEDZ\201118\bj00004073V001.doc

RECEIVED
CENTRAL FAX CENTER

DEC 02 2005

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

INVENTOR(S) : KOLODY, et al.
TITLE : RADIOLUCENT SURGICAL
TABLE WITH LOW SHADOW
ACCESSORY INTERFACE
PROFILE
APPLICATION NO. : 09/804,287
FILED : March 12, 2001
CONFIRMATION NO. : 7462
EXAMINER : Thomas Y. Ho
ART UNIT : 3677
LAST OFFICE ACTION : August 2, 2005
NOTICE OF ALLOWANCE : November 4, 2005
ATTORNEY DOCKET NO. : MEDZ 2 01118
Cleveland, OH 44114
December 2, 2005

LETTER NOTING DISCREPANCY IN NOTICE OF ALLOWABILITY

MAIL STOP AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Applicants respectfully submit that the set of allowed claims as noted in the Notice of Allowability is inconsistent with applicants' set of claims pending in this application.

More particularly, it is to be noted that claim 27 has been canceled from consideration.

Accordingly, the allowed claims as listed in the Notice of Allowability should include claims 1, 5-17, 21-26, 28-30, and 33-39.

Applicants are bringing this to the attention of the Office as a courtesy and to help expedite the handling of this application.

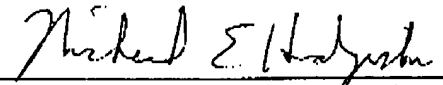
The issue fee is due for payment on February 6, 2006.

The issue fee has not yet been paid.

Respectfully submitted,

FAY, SHARPE, FAGAN,
MINNICH & MCKEE, LLP

02 DEC 05
Date


Thomas E. Kocovsky, Jr., Reg. No. 28,383
Michael E. Hudzinski, Reg. No. 34,185
1100 Superior Avenue
7th Floor
Cleveland, Ohio 44114-2579
(216) 861-5582

Certificate of Mailing

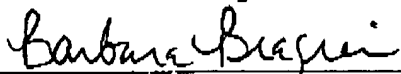
Under 37 C.F.R. § 1.8, I certify that this Letter Noting Discrepancy in Notice of Allowability is being

☐ deposited with the United States Postal Service as First Class mail, addressed to: MAIL STOP AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date indicated below.

☒ transmitted via facsimile to No. (571) 273-8300 in accordance with 37 C.F.R. § 1.8 on the date indicated below.

☐ deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 C.F.R. 1.10 on the date indicated below and is addressed to: MAIL STOP AMENDMENT, Commissioner For Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

| |
|-------------------------|
| Express Mail Label No.: |
| Date |
| December 2, 2005 |

| |
|--|
| Signature |
|  |
| Printed Name |
| Barbara Brazier |

N:\MEL\201111\mbp0004072V001.doc

DEC 02 2005

Notice of Allowability

Application No.

09/804,287

Examiner

Jack W. Lavinder

Applicant(s)

KOLODY ET AL.

Art Unit

3677

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 9/23/05.
2. ☒ The allowed claim(s) is/are 1,5-17,21-30,33-39.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ Including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material

5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date _____
7. ☐ Examiner's Amendment/Comment
8. ☐ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

Jack W. Lavinder
Primary Examiner
Art Unit: 3677